

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN**

JAMES C. HULCE, individually and on	:	Case No. 2:23-cv-00159-LA
behalf of a class of all persons and entities	:	
similarly situated,	:	Judge Lynn Adelman
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
ZIPONGO, INC. dba FOODSMART,	:	
	:	
Defendant.	:	

**NOTICE OF APPEAL**

Plaintiff James C. Hulce hereby appeals to the United States Court of Appeals for the Seventh Circuit from the Decision and Order (Doc. 38) and Judgment in a Civil Case (Doc. 39) entered in this action on the 18<sup>th</sup> day of March, 2024.

Dated: April 17, 2024

Respectfully submitted,

**/s/ Brian K. Murphy**

Brian K. Murphy  
Jonathan P. Misny  
Murray Murphy Moul + Basil LLP  
1114 Dublin Road  
Columbus, OH 43215  
Telephone: 614.488.0400  
Facsimile: 614.488.0401  
E-mail: [murphy@mmmb.com](mailto:murphy@mmmb.com)  
[misny@mmmb.com](mailto:misny@mmmb.com)

Anthony Paronich  
Paronich Law, P.C.  
350 Lincoln St, Suite 2400  
Hingham, MA 02043  
Phone: 617.485.0018  
Fax: 508.318.8100  
E-mail: [anthony@paronichlaw.com](mailto:anthony@paronichlaw.com)

*Counsel for Plaintiff*

**CERTIFICATE OF SERVICE**

I hereby certify that on April 17, 2024, I filed the foregoing via the Court's CM/ECF system, which will send notice of such filing to the following:

Ryan D. Watstein  
James M. Ruley  
Watstein Terepka LLP  
1055 Howell Mill Rd. 8<sup>th</sup> Floor  
Atlanta, GA 30318  
ryan@wtlaw.com  
jruley@wtlaw.com

Maria DelPizzo Sanders  
von Briesen & Roper, s.c.  
411 East Wisconsin Avenue, Suite 1000  
Milwaukee, WI 53202  
maria.sanders@vonbriesen.com

**/s/ Brian K. Murphy**  
Brian K. Murphy